

ED

Notice of Allowability

Application No.

10/690,335

Examiner

Joe H. Cheng

Applicant(s)

CLARK ET AL.

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. This communication is responsive to the communication filed 11/15/05.
- 2. The allowed claim(s) is/are 41-61.
- 3. The drawings filed on 20 October 2003 are accepted by the Examiner.
- 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
- 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/15/04
- 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413), Paper No./Mail Date _____.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In the specification:

Page 1, line the term "This is a continuation of application Serial No. 10/425,775, filed April 29, 2003, which is continuation of application Serial No. 09/660,204, filed September 12, 2000, now U.S. Patent No. 6,558,166 B1, which is a continuation of application Serial No. 09/141,804, filed on August 28, 1998, now U.S. Patent No. 6,168,440 B1, which is a continuation of application Serial No. 09/003,979, filed on January 7, 1998, now abandoned, which is a continuation of application Serial No. 08/561,081, filed November 20, 1995, now U.S. Patent No. 5,735,694, which is a continuation of application Serial No. 08/290,014, filed August 12, 1994, now U.S. Patent No. 5,558,521, which is a division of application Serial No. 08/014,176, Filed February 5, 1993, now U.S. Patent No. 5,437,554; and application Serial No. 09/143,682, filed on August 28, 1998, now U.S. Patent No. 6,159,018, which is a continuation of application Serial No. 09/003,979, filed on January 7, 1998, now abandoned, which is a continuation of application Serial No. 08/561,081, filed on November 20, 1995, now U.S. Patent No. 5,735,694, which is a continuation of application Serial No. 08/290,014, filed on August 12, 1994, now U.S. Patent No. 5,558,521, which is a division of application Serial No. 08/014,176, Filed February 5, 1993, now U.S. Patent No. 5,437,554, are hereby incorporated by reference in their entirety." should be recited as --This is a continuation of application Serial No. 10/425,775,

Art Unit: 3713

filed April 29, 2003, now U.S. Patent No. 6,749,435 B1, which is continuation of application Serial No. 09/660,204, filed September 12, 2000, now U.S. Patent No. 6,558,166 B1, which is a continuation of application Serial No. 09/141,804, filed on August 28, 1998, now U.S. Patent No. 6,168,440 B1, which is a continuation of application Serial No. 09/003,979, filed on January 7, 1998, now abandoned, which is a continuation of application Serial No. 08/561,081, filed November 20, 1995, now U.S. Patent No. 5,735,694, which is a continuation of application Serial No. 08/290,014, filed August 12, 1994, now U.S. Patent No. 5,558,521, which is a division of application Serial No. 08/014,176, Filed February 5, 1993, now U.S. Patent No. 5,437,554; and application Serial No. 09/143,682, filed on August 28, 1998, now U.S. Patent No. 6,159,018, which is a continuation of application Serial No. 09/003,979, filed on January 7, 1998, now abandoned, which is a continuation of application Serial No. 08/561,081, filed on November 20, 1995, now U.S. Patent No. 5,735,694, which is a continuation of application Serial No. 08/290,014, filed on August 12, 1994, now U.S. Patent No. 5,558,521, which is a division of application Serial No. 08/014,176, Filed February 5, 1993, now U.S. Patent No. 5,437,554, are hereby incorporated by reference in their entirety.--.

3. The aforementioned Examiner's Amendment is to update the status of the continuation data. **No Further action** is required.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex*

Art Unit: 3713

Parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Application's submission filed on November 15, 2004 has been entered.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

None of the prior art shows the combination of the structural elements of the claimed method for processing categorized data item created by persons in order to demonstrate material contained within the data items by electronically receiving a plurality of data items created by persons over a distributed computer network, each of the data items having an electronic representation of at least a portion of a person's work product, electronically dividing the data items according to predefined categories and organizing the divided data items into separate groupings, and electronically reporting the data items in the groupings (as per claim 41); or the combination of the structural elements of the claimed system for processing categorized data items created by persons to demonstrate material contained within the data items having a receiving subsystem configured to electronically receive a plurality of data items created by persons over a distributed computer network, each of the data items having an electronic representation of at least a portion of a person's work product, a dividing subsystem configured to electronically divide the data items according to predefined categories and electronically organize the divided data items into separate groupings, and a reporting subsystem configured to electronically report the data items in the groupings (as per claim 48); or the combination of the

Art Unit: 3713

structural elements of the claimed computer-readable program storage medium tangibly embodying a data package and associated verification instructions executable by a computing system for processing categorized data item created by persons in order to demonstrate material contained within the data items by performing the steps of electronically receiving a plurality of data items created by persons over a distributed computer network, each of the data items having an electronic representation of at least a portion of a person's work product, electronically dividing the data items according to predefined categories and organizing the divided data items into separate groupings, and electronically reporting the data items in the groupings (as per claim 55).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abelow (U.S. Pat. No. 5,999,908) - note Figs. 1-34B.

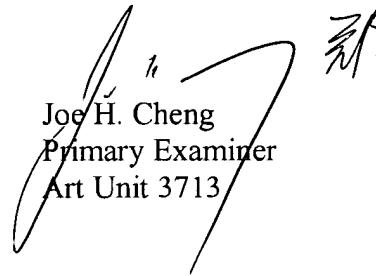
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (571)272-4433. The examiner can normally be reached on Tue. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng
March 4, 2005

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Joe H. Cheng
Primary Examiner
Art Unit 3713